

Message Text

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E.O. 11652: N/A

TAGS: WIPO, EINV

SUBJECT: RESULTS OF MEETINGS OF (1) THE WIPO PERMANENT
COMMITTEE FOR DEVELOPMENT COOPERATION RELATED
TO INDUSTRIAL PROPERTY AND (2) THE PATENT
COOPERATION TREATY (PCT) INTERIM COMMITTEE FOR
TECHNICAL ASSISTANCE, GENEVA, MARCH 13-17, 1978

1. THIRTY-SIX (36) MEMBER STATES OF THE PERMANENT COM-
MITTEE, INCLUDING UNITED STATES, WERE REPRESENTED AT
THE FIFTH SESSION. SEVEN (7) STATES WERE REPRESENTED
BY OBSERVERS.

2. TWO (2) INTERGOVERNMENTAL ORGANIZATIONS (UNCTAD AND
EUROPEAN PATENT ORGANIZATION) AND FOUR (4) INTERNATIONAL
NON-GOVERNMENTAL ORGANIZATIONS WERE REPRESENTED BY
OBSERVERS.

3. TRADITIONALLY A DEVELOPING COUNTRY DELEGATE HAS BEEN
CHAIRMAN OF THIS COMMITTEE. IRAQ WAS SELECTED BY THE
G-77 TO BE CHAIRMAN, AND AUSTRIA BY GROUP B AND THE USSR
BY GROUP D TO BE VICE-CHAIRMEN.

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4. THE PERMANENT COMMITTEE CONSIDERED SOME ELEVEN SUB-
STANTIVE ITEMS WITH THE FOLLOWING ACTIONS BEING TAKEN.
THE PERMANENT COMMITTEE:

(I) ASKED WIPO TO CONTINUE THE ANALYSIS OF ARRANGE-
MENTS FOR THE PROMOTION OF TECHNOLOGICAL INNOVATION WITH

THE RESULTS TO BE CONSIDERED BY A WORKING GROUP (NOT INCLUDING THE UNITED STATES) TO BE CONVENED JULY 19 TO 21, 1978;

(II) ENDORSED THE RECOMMENDATIONS OF AN EXPERT WORKING GROUP ON INFORMATION FROM PATENT DOCUMENTS WHICH WERE AS FOLLOWS:

(A) CERTAIN IMPROVEMENTS SHOULD BE MADE IN THE GUIDES FOR SEARCHERS AND FOR CLASSIFIERS FOR THE INTERNATIONAL PATENT CLASSIFICATION (IPC) AS WELL AS FOR THE "USERS GUIDE TO THE IPC" ELABORATED FOR FOUR INDUSTRIAL SECTORS IDENTIFIED BY UNIDO;

(B) CERTAIN IMPROVEMENTS SHOULD BE MADE IN THE STATE-OF-ART SEARCHES BEING PERFORMED FREE FOR DEVELOPING COUNTRIES BY THE AUSTRIAN PATENT OFFICE;

(C) CERTAIN IMPROVEMENTS SHOULD BE MADE IN THE STANDARDIZATION OF PRIMARY AND SECONDARY SOURCES OF PATENT INFORMATION AND THAT CLOSE COLLABORATION BE MAINTAINED BETWEEN CERTAIN TECHNICAL BODIES OF WIPO AND THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO);

(D) CERTAIN SUMMARIES AND TABLES ON SOURCES OF PATENT INFORMATION COULD FORM PART OF AN INTERNATIONAL INVENTORY ON PATENT INFORMATION SOURCES;
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(E) DEVELOPED AND DEVELOPING COUNTRIES MIGHT CONSIDER EXCHANGE AGREEMENTS WHEREBY PATENT DOCUMENTS PUBLISHED BY MAJOR PATENT OFFICES, AND PARTICULARLY THOSE MAJOR OFFICES UNABLE TO GIVE PATENT DOCUMENTS WITHOUT THERE BEING AN EXCHANGE, COULD BE EXCHANGED FOR NON-PATENT LITERATURE AVAILABLE IN DEVELOPING COUNTRIES;

(F) A FEASIBILITY STUDY SHOULD BE UNDERTAKEN REGARDING A CENTRAL DATA FILE ON THE LEGAL STATUS AND WORKING OF INDUSTRIAL PROPERTY RIGHTS;

(G) A REDRAFT OF THE DRAFT GUIDELINES ENTITLED "PLANNING AND ORGANIZATION OF A PATENT INFORMATION AND DOCUMENTATION CENTER IN A DEVELOPING COUNTRY" SHOULD BE UNDERTAKEN TAKING INTO CONSIDERATION THE MANY SUGGESTIONS OF THE WORKING GROUP; AND

(H) BECAUSE OF THE NATURE OF THE WORK OF THE WORKING GROUP, THE WORKING GROUP SHOULD HEREAFTER OPERATE UNDER THE FRAMEWORK OF THE NEWLY FORMED PERMANENT COMMITTEE FOR PATENT INFORMATION RATHER THAN THE PERMANENT

COMMITTEE FOR DEVELOPMENT COOPERATION RELATED TO
INDUSTRIAL PROPERTY.

(III) ENCOURAGED THE CONTINUATION OF THE PREPARATION
OF A REPORT ON EXISTING INDUSTRIAL PROPERTY OFFICES WITH
A VIEW TO ASSISTING IN THE PLANNING, MANAGEMENT OR REOR-
GANIZATION OF INDUSTRIAL PROPERTY SERVICES IN
DEVELOPING COUNTRIES OR REGIONS;

(IV) CONSIDERED THE VARIOUS ACTIVITIES OF WIPO
RELATED TO PROMOTING AND SUPPORTING COOPERATION AMONG
DEVELOPING COUNTRIES AND MADE CERTAIN SUGGESTIONS FOR

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THEIR CONTINUATION;

(V) REVIEWED THE PROGRESS OF THE WORKING GROUP IN THE
MODEL LAW FOR DEVELOPING COUNTRIES ON INVENTIONS AND
KNOW-HOW. IN THIS REGARD GROUP B REQUESTED BUT DID NOT
RECEIVE A 3-MONTH EXTENSION TO SUBMIT GOVERNMENT COM-
MENTS ON THE DRAFT MODEL LAW DISTRIBUTED ONLY AT THE END
OF JANUARY 1978 AND ON WHICH GOVERNMENT COMMENTS ARE
REQUIRED TO BE SUBMITTED BY APRIL 30, 1978. IN A GROUP B
MEETING THE CONFLICT BETWEEN CERTAIN PROVISIONS OF THE
MODEL LAW AND GROUP B POSITIONS IN THE PARIS CONVENTION
REVISION ACTIVITY AND THE UNCTAD CODE OF CONDUCT ACTIVITY
WAS NOTED. USDEL MADE, WITH AGREEMENT OF GROUP B,
FOLLOWING STATEMENT: IT KNEW THAT THE WORKING GROUP ON
THE MODEL LAW FOR DEVELOPING COUNTRIES ON INVENTIONS AND
KNOW-HOW WOULD GIVE FULLEST CONSIDERATION TO THE COMMENTS

OF THE VARIOUS GOVERNMENTS AT ITS SESSION IN MAY AND SUGGESTED THAT THE HISTORICAL STATEMENT ON THE DEVELOPMENT OF THE NEW MODEL LAW TO BE PREPARED BY THE INTERNATIONAL BUREAU SHOULD REFLECT THAT FACT, TOGETHER WITH THE ACTION TAKEN BY THE WORKING GROUP ON THE GOVERNMENTS' COMMENTS. (THIS STATEMENT WAS INCLUDED IN THE REPORT UNCLASSIFIED

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OF THE COMMITTEE.) THE WORKING GROUP WAS ASKED TO CONSIDER A NEW CHAPTER REGARDING A TECHNOLOGY TRANSFER PATENT TO BE ADDED AS AN ANNEX TO THE MODEL LAW;

(VI) IN REGARD TO A MODEL LAW ON MARKS AND TRADENAMES, THE WORKING GROUP ON THIS MODEL LAW WAS INSTRUCTED TO NOT ENCOMPASS PROTECTION AGAINST UNFAIR COMPETITION IN THEIR DELIBERATIONS AND AN OPPORTUNITY FOR GOVERNMENT COMMENTS WILL BE AFFORDED IN THE FUTURE;

(VII) IN REGARD TO THE POSSIBILITY OF ESTABLISHING A LICENSING GUIDE FOR GOVERNMENT OFFICIALS, THIS MATTER WILL BE DEFERRED UNTIL AFTER A UNDP-UNIDO-WIPO MEETING, SCHEDULED FOR JUNE 1978, ON GOVERNMENT REGULATORY FUNCTIONS IN THE TRANSFER OF TECHNOLOGY;

(VIII) CERTAIN IMPROVEMENTS WERE SUGGESTED FOR THE TRAINING PROGRAM IN INDUSTRIAL PROPERTY TO BOTH IMPROVE THE TRAINING AND TO MONITOR THE PROFESSIONAL ACTIVITIES OF PERSONS HAVING UNDERGONE TRAINING. SUBSTANTIAL CONTRIBUTIONS WERE COMMITTED FOR TRAINING, FELLOWSHIPS, SEMINARS AND MEETINGS IN THE INDUSTRIAL PROPERTY AREA BY A LARGE NUMBER OF DEVELOPED AND DEVELOPING COUNTRIES. THE UNITED STATES WAS CONSPICUOUS BY ITS ABSENCE FROM THIS LIST. (USDEL WOULD STRONGLY RECOMMEND THAT SOME WAY BE FOUND WITHIN ONE OR MORE AGENCIES TO CONTRIBUTE TO THIS VERY WORTHWHILE PROGRAM WHICH IS CONSISTENT WITH U.S. FOREIGN POLICY OBJECTIVES IN INTERNATIONAL INDUSTRIAL PROPERTY AREA.)

(IX) APPROVED THE MEDIUM-TERM PLANNING IN REGARD TO ADVICE AND ASSISTANCE IN LEGISLATION, INSTITUTIONS AND RELATED INDUSTRIAL PROPERTY MATTERS BEING CARRIED OUT FOR UNCLASSIFIED

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SOME 16 DEVELOPING COUNTRIES AS WELL AS INCREASING THE CROSS-FLOW OF INFORMATION AMONG THE DEVELOPING COUNTRIES

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IN REGARD TO THE VARIOUS PROJECTS PRESENTLY BEING CON-
DUCTED BOTH NATIONALLY AND REGIONALLY;

(X) SUGGESTED THE FURTHER ELABORATION OF A MULTI-
LINGUAL INDUSTRIAL PROPERTY TERMINOLOGY LIST, GLOSSARY
AND MANUAL FOR USE BY DEVELOPING COUNTRIES; AND

(XI) THE STATES MEMBERS OF THE PERMANENT COMMITTEE
WERE ENCOURAGED TO REFLECT THE ROLE OF WIPO AND ITS THEME
IN THEIR RESPECTIVE NATIONAL PAPERS FOR THE UNITED NATIONS
CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT.
THE WIPO THEME FOR THE CONFERENCE IS "TECHNOLOGICAL
INFORMATION CONTAINED IN PATENT DOCUMENTS."

5. THE PATENT COOPERATION TREATY INTERIM COMMITTEE FOR
TECHNICAL ASSISTANCE MET JOINTLY WITH THE PERMANENT
COMMITTEE FOR DEVELOPMENT COOPERATION RELATED TO
INDUSTRIAL PROPERTY. SOME 24 MEMBER STATES WERE PRESENT
FOR THE MEETING. ALSO REPRESENTED WERE TWO INTERGOVERN-
MENTAL ORGANIZATIONS, UNCTAD AND THE EUROPEAN PATENT
ORGANIZATION (EPO), AND THREE NON-GOVERNMENTAL ORGANIZA-
TIONS, THE INTERNATIONAL FEDERATION OF INVENTORS
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ASSOCIATIONS (IFIA), THE INTERNATIONAL PATENT DOCUMENTATION CENTER (INPADOC) AND THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO). THE MEETING WAS PRESIDED OVER BY THE CHAIRMAN OF THE PERMANENT COMMITTEE FOR DEVELOPMENT COOPERATION RELATED TO INDUSTRIAL PROPERTY REFERRED TO ABOVE. THE INTERIM COMMITTEE AGREED THAT:

(I) THE MANDATE OF THE PATENT COOPERATION TREATY (PCT) COMMITTEE FOR TECHNICAL ASSISTANCE WOULD BE RESTRICTED TO TECHNICAL ASSISTANCE PROJECTS IN WHICH THE PCT WAS A MAJOR ELEMENT AND THAT THE PROJECTS WHICH IT HAD BEEN UNDERTAKING, MOST OF WHICH DID NOT LARGELY DEPEND ON THE PCT, WOULD BE TRANSFERRED TO THE PERMANENT COMMITTEE FOR DEVELOPMENT COOPERATION RELATED TO INDUSTRIAL PROPERTY;

(II) CONTINUED ATTEMPTS WOULD BE MADE TO MATCH OFFERS OF AND REQUESTS FOR COLLECTIONS OF PATENT DOCUMENTS FOR THE PURPOSE OF TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES; AND

(III) THE LISTING OF NON-PATENT LITERATURE OBTAINED FREE OR UPON SPECIAL TERMS BY THE DEVELOPING COUNTRIES WOULD BE CONTINUED. VANDEN HEUVEL

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